

## **REMARKS – General**

### *Claim Rejections under 35 USC §103:*

The most recent Office Action (OA) rejects claims 1-20, 22-33, 35-36, 39-41, 43-51, 55-56, 60-71 and 73 under 35 USC §103 as being unpatentable over Jiang et al., US Pat. No. 6,741,853, hereinafter “Jiang”, in view of Tso et al., US Pat. No. 6,088,803, hereinafter “Tso”. Specifically, the OA submits that Jiang discloses “...selecting the content from the group consisting of locally stored applications, remotely stored, trusted applications, and remotely stored, untrusted applications ... and determining whether the content contains designated API.” The OA acknowledges that Jiang fails to teach provisioning the content for the target device, wherein when the content is selected from the remotely stored, untrusted applications, the provisioning comprises intercepting the content and inspecting the content, wherein the inspecting comprises at least one of examining the content to detect malicious code, and determining whether the content contains banned code.

The OA states that Tso teaches provisioning the content for a target device “...wherein when the content is selected from the remotely stored, untrusted applications, the provisioning comprises intercepting the content and inspecting the content, wherein the inspecting comprises at least one of examining the content to detect malicious code, and determining whether the content contains banned code.” The OA states that it would have been obvious to one of ordinary skill in the art at the time Applicants’ invention was made to combine Tso and Jiang to achieve Applicants’ invention. Applicants respectfully traverse this rejection.

In making the traversal, Applicants rely upon MPEP §2143, which states, “To establish a prima facie case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations.” Applicants respectfully submit that the elements of Applicants’ invention, as recited in claim 1 as amended and previously presented, are not taught by the combination of Tso and Jiang. Specifically, Applicants respectfully submit that the combination fails to teach selecting the content from the group consisting of locally stored applications, remotely stored trusted

applications and remotely stored untrusted applications; provisioning the content for the target device; wherein the content is selected from the remotely stored, untrusted applications.

*The Combination of Tso and Jiang fails to teach selecting the content from the group consisting of locally stored applications, remotely stored, trusted applications and remotely stored, untrusted applications; provisioning the content for the target device; wherein the content is selected from the remotely stored, untrusted applications.:*

Applicants respectfully submit that the combination of Tso and Jiang fails to teach the selecting of content from trusted and non-trusted sources and treating the content differently depending upon its respective source. Turning first to Jiang, the OA states that Jiang discloses selecting the content from the group consisting of locally stored applications, remotely stored, trusted applications and remotely stored, untrusted applications. Applicants respectfully traverse this assertion.

Turning to Jiang col.2 lines 40-47, Jiang defines in the background that once connected to a wireless portal, the mobile station (MS) has Internet access to information provided by Internet Content Providers (ICPs). To those of ordinary skill in the art, the Internet is not a tool used to access for locally stored applications. The Internet is a tool generally used to access remotely stored data, in this case applications from ICPs. Additionally, Jiang col.4, lines 59-67; col.5, lines 1-41; col.8 lines 28-67; col.9 lines 1-9 and lines 56-64; col.11, lines 43-67, col.18, lines 1-50; and col.20, lines 54-58 teach only the obtaining of remotely stored applications from ICPs, and does not teach any of obtaining locally stored applications from local ICPs.

Turning now to Jiang col.6, line 47, Jiang teaches Wireless Portable Middleware (WPM) that provides a single portal through which a user's MSs 240-46 communicate with ICPs 250-60 via the Internet 270. This single portal to the Internet used to communicate with ICPs does not allow for the access to a locally coupled database of available locally stored and trusted applications. Where as the Applicants' invention teaches of content received from more than one source, for example locally stored applications and remotely stored applications, all embodiments of Jiang only teach content received from a single remote source.

In addition to not teaching receiving content from more than one source, Jiang also fails to teach categorizing ICPs into trusted ICPs and untrusted ISPs. Turning to Jiang col.4, lines 59-67, Jiang teaches that because of the variety of MSs and ICPs there needs to be a way of converting all applications received from an ICP to applications compatible with the respective MS. The solution to this problem, as stated in Jiang col. 20, lines 54-58, is that once the device capabilities are known, the WPM formats and delivers the information to the MS and the user is presented material in an appropriate form for the type of information. This means that no matter where the data comes from, be it a local or remote source, trusted or untrusted, the WPM will always check the applications coming from ICPs in order to make sure they are formatted properly to be displayed on the MS. This step of checking every application format from a ICP is additionally taught by Jiang at col.13, lines 63-67. Jiang teaches the checking the WPM's request for an application located at an ICP. If the format is not compatible with the ICP, the WPM asks the ICP how to format the requests for that particular ICP. Jiang teaches this process for all requests of services from ICPs.

As demonstrated above, Jiang teaches a common process for all requests of applications located at an ICP. Jiang does not however teach a different process for requesting applications from ICPs that have been used in the past, or deemed trusted, from those that have not. Jiang fails to teach the provisioning of content for MS where the content is selected from a remotely stored, untrusted device. In addition, Jiang consequently fails to teach the non-provisioning of content from the MS where in the content is respectively selected from a collection of locally stored applications or a collection of remotely stored, trusted applications. The invention taught by Jiang does not make any distinction in where the application content is coming from and thus uses the same procedure for all requested materials.

Applicants respectfully submit that Jiang fails to teach selecting the content from the group consisting of locally stored applications, remotely stored, trusted applications and remotely stored, untrusted applications; provisioning the content for the target device; wherein the content is selected from the remotely stored, untrusted applications. Jiang teaches only selecting content from one group, the Internet, in the form on remotely stored, untrusted applications, because all applications are treated in the same fashion.

Applicants further respectfully submit that Tso fails to include any teaching of selecting the content from the group consisting of locally stored applications, remotely stored, trusted applications and remotely stored, untrusted applications. In Tso, all applications are scanned for viruses. In the Abstract, Tso states, “A system for virus checking a data object to be downloaded to a client device is implemented in a method including the steps of *retrieving a data object to be downloaded, scanning the data object for a computer virus, and downloading the data object to the client device if no computer virus is detected.*” Each and every data object is scanned. Tso illustrates this in FIG. 2 and reiterates it in the specification. “Once the file is completely received, network device 4 invokes virus checker 5, which in turn performs its preconfigured virus scan processing with the requested file as input (Step 40).” Tso, col. 3, lines 2-9.

As neither Jiang nor Tso teach selecting the content from the group consisting of locally stored applications, remotely stored, trusted applications and remotely stored, untrusted applications; and provisioning the content for the target device; wherein the content is selected from the remotely stored, untrusted applications, checking the content for malicious code, Applicants respectfully submit that the rejection is overcome. Applicants respectfully request reconsideration of the rejection in light of these comments.

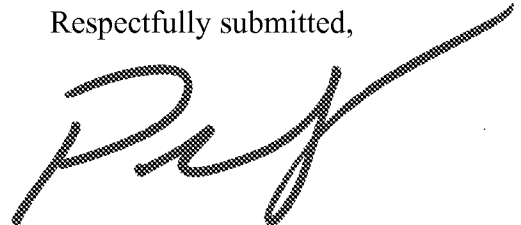
Applicants respectfully note that claims 2-30 are dependent from claim 1. Applicants respectfully submit that the rejections to these claims are overcome by the comments set forth with respect to claim 1 above. Applicants therefore respectfully request reconsideration of the rejections to those claims per the comments above. Further, Applicants note that independent claims 30, 45, and 61 all recite the steps of selecting the content from the group consisting of locally stored applications, remotely stored, trusted applications and remotely stored, untrusted applications and provisioning the content for the target device; wherein the content is selected from the remotely stored, untrusted applications, neither of which is taught by Jiang nor Tso and combinations thereof. Thus, Applicants respectfully submit that the rejections to these claims are overcome based on the comments directed to claim 1 above. Applicants respectfully request reconsideration of the rejections to these claims, as well as claims 31-44, 46-60, and 62-73 which are dependent from these claims, respectively.

### CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

For the above reasons, Applicants believe the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Applicants believe this application is now in condition for allowance, for which they respectfully submit. If any matter may be more easily handled by telephone, the undersigned attorney welcomes telephone calls from the Examiner.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Burrus, IV', with a long, sweeping horizontal stroke extending to the right.

Philip H. Burrus, IV

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